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6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

Case No.: CR 09-00717 JF

11 Plaintiff,

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
[PROPOSED] ORDER**

12 v.

13
14 MARCO BARBOSA; MARIA BARBOSA,

Honorable Jeremy Fogel

15 Defendants.
16 _____/

17 Defendants Marco and Maria Barbosa and the government, through their respective counsel,
18 hereby stipulate that, subject to the Court's approval, the hearing in the above-captioned matter,
19 presently scheduled for Thursday, April 14, 2011, at 9:00 a.m., be continued two weeks to Thursday,
20 April 28, 2011, at 9:00 a.m. The continuance is requested because defense counsel are preparing
21 motions to be heard at the next hearing date, and the defense requires additional time to conduct
22 investigation and to prepare effectively in connection with the filing of motions.

23 The parties further agree that time should be excluded under the Speedy Trial Act because the
24 ends of justice served by granting the requested continuance outweigh the interest of the public and
25 the defendant in a speedy trial. The failure to grant the requested continuance would deny defense
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STIP. TO CONTINUE;
[PROPOSED] ORDER
No. CR 09-00717 JF

counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 3/18/11

/s/
LARA S. VINNARD
Counsel for Marco Barbosa

Dated: 3/18/11

/s/
PETER LEEMING
Counsel for Maria Barbosa

Dated: 3/21/11

/s/
EUMI CHOI
Assistant United States Attorney

[PROPOSED] ORDER

The parties have jointly requested a continuance of the hearing set for Thursday, April 14, 2011, to allow additional time for defense preparation and investigation in connection with anticipated defense motions. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Thursday, April 14, at 9:00 a.m., be continued to Thursday, April 28, at 9:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from April 14 to April 28, 2011. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 3/23/11


JEREMY FOGEL
United States District Judge